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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/394,536	09/10/1999	BRIAN T. WEBB	5577-177	4362
20792	7590	03/01/2004		
MYERS BIGEL SIBLEY & SAJOVEC PO BOX 37428 RALEIGH, NC 27627			EXAMINER CHOUDHARY, ANITA	
			ART UNIT 2153	PAPER NUMBER 14

DATE MAILED: 03/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Applicati n N .

09/394,536

Applicant(s)

WEBB ET AL.

Examiner

Anita Choudhary

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 19-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 19-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Response to Amendment***

The amendment filed on November 28, 2003 under 37 CFR 1.312 has been entered.

Claims 1, 19, 23, 30, and 34 have been amended and are presented for further examination

Claims 8-18 have been cancelled.

Claims 1-7 and 19-36 are presented.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1, 19, 23, 30, and 34 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 and 19-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mutschler III et al. (US 5,940,075) in view of Nakabayashi et al. (5,950,866).

In referring to claims 1, 19, 23, 30, and 34, Mutschler discloses accessing a legacy application over the Internet using a web connection. Mutschler shows client receiving (col. 7

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lines 16-25) terminal emulation information (Forms) from legacy application based on asynchronously generated information formatted for character terminal of a legacy host (see figs. 2-4, col. 7 line 26- col. 8 line 11). Mutschler also shows initiating a connection with a legacy application by transmitting a request to HTTP server for access to the legacy application information (col. 6 lines 25-32).

Although Mutschler discloses substantial features of the claimed invention, Mutschler does not disclose establishing first and second connections for receiving notification and requesting of updates from the host application. Nonetheless this feature is well known in the art, and would have been an obvious modification to the system disclosed by Mutschler as evidenced by Nakabayashi.

In an analogous art Nakabayashi discloses a system for receiving updates through a data update monitoring network. Nakabayashi shows:

- Establishing a first connection between a client and server application (fig. 40, HTTP connection between client 2000 and web server 4000, col. 41 lines 34-40).
- Server application providing updated host screen information to client application in response to request from client (col. 47 line 64- col. 48 line 13).
- Updated host information is based on information formatted for character terminal of a host legacy system (communication host) (col. 12 line 36-52).
- Establishing a second connection between monitor application (client 2000) and server application (fig. 40, 46, connection between client 2000 and data management server 800, col. 47 line 52 col. 48 line 13).

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- Receiving a notification of availability of host screen information over the second connection (col. 48 lines 13-25).
- Requesting the updated host screen information over the first connection responsive to the receiving the notification (col. 48 lines 26-37).
- Receiving the updated host screen information at the client (col. 48 lines 38-44)
- Displaying the received updated host screen information using the client application (fig. 48).
- Receiving and requesting host information using HTTP request response communications model, a standard communications protocol used over the web for communicating with host (col. 41 lines 5-44).

Given this feature, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system disclosed by Mutschler by employing the features shown by Nakabayashi in order to monitor updates to shared information in a network system without receiving overlapping updated data (see Nakabayashi col. 1 lines 41-55).

In referring to claim 2, 20, 24, and 31, Nakabayashi shows client application comprises web browser (col. 41) and wherein the monitoring application comprises notification code (update check code) (col. 48 lines 14-25).

In referring to claim 3, 21, 25, and 32, Nakabayashi shows notification code is provided with updated legacy host information (results), extracting the notification code (update check) from the host screen information (data stored in the monitored URL, col. 48 line 18) and executing the notification code (transmitting the update check to user) (col. 48 lines 13-50).

In referring to claim 4 and 26, Mutschler shows updated comprises Markup Language (col. 3 lines 44-46).

In referring to claim 5 and 27, Mutschler shows legacy host information comprises terminal emulation information (col. 7 lines 16-25).

In regards to claim 6 and 28, Nakabayashi shows the connections between data monitor server and host web server are conducted through a single communications link through a service provider to the Internet (fig. 40; col. 47 lines 56-61).

In referring to claim 7, 22, 29, and 33, Nakabayashi shows the data monitor server having more than one client for providing update information (col. 48 lines 51-59).

In regards to claim 35, Nakabayashi shows connections comprising of sockets (fig. 1, 500).

In referring to claim 36, Nakabayashi shows notification application embedded in web page provided to browser by host (col. 46 lines 22-29).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita Choudhary whose telephone number is (703) 305-5268.

The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AC  
February 20, 2004



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